

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Kouji OBARA et al

Art Unit: 3682

Application No.: 10/717,572

Confirmation No.: 9397

Examiner: L. FOOTLNAD

Filing Date: November 12, 2003

Washington, D.C.

Atty.'s Docket: OBARA =6

For: LINEAR MOTION GUIDE UNIT...

Date: June 21, 2005

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop **AMENDMENT**  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] REPLY TO ELECTION OF SPECIES REQUIREMENT in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 25	\$		x 50	\$
INDEP.	*	MINUS	*** 3	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL	\$	OR	TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

**Small Entity**

**Response Filed Within**

[ ] First - \$ 60.00  
[ ] Second - \$ 225.00  
[ ] Third - \$ 510.00  
[ ] Fourth - \$ 795.00

**Month After Time Period Set**

**Other Than Small Entity**

**Response Filed Within**

[ ] First - \$ 120.00  
[ ] Second - \$ 450.00  
[ ] Third - \$ 1020.00  
[ ] Fourth - \$1,590.00

**Month After Time Period Set**

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

[ ] A check in the amount of \$ is attached (check no. ).

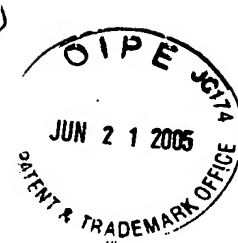
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OBARA =6

In re Application of:	)	Art Unit: 3682
	)	
Kouji OBARA et al	)	Examiner: L. Footland
	)	
Appln. No.: 10/717,572	)	Washington, D.C.
	)	
Date Filed: November 12, 2003	)	Confirmation No. 9397
	)	
For: LINEAR MOTION GUIDE UNIT...	)	June 21, 2005

REPLY TO ELECTION OF SPECIES REQUIREMENT

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action  
mailed June 14, 2005, entirely in the nature of an election of  
species requirement. Applicants respectfully request  
favorable consideration.

Applicants have claimed priority from their  
corresponding application filed in Japan, and have filed a  
certified copy of same. Accordingly, applicants respectfully  
request the PTO to acknowledge receipt of applicants' papers  
filed under §119.

- In re of Appln. No. 10/717,572  
Reply dated: June 21, 2005  
In reply to OA dated June 14, 2005

Election has been required by the PTO among what is deemed to be four (4) patentably distinct species. As applicant must make an election even though the requirement is traversed, applicants hereby provisionally and respectfully elect the species of Figs. 1-14, with traverse and without prejudice. The claims which read of this species are claims 1-6, 8-10 and 13-15.

While applicants understand that the non-elected claims 7, 11 and 12 will be given consideration upon the allowance of any claim from which these non-elected claims depend, applicants nevertheless traverse the requirement on the basis that the species are sufficiently similar so that an examination of the non-elected species along with the elected species would not constitute a "serious burden". Insofar as applicants are aware, all the species are commonly classified; and, therefore a search of the non-elected species can be conducted at the same time as the search for the elected species without going into additional subclasses, and that would not constitute a serious burden.

The second paragraph of MPEP 803 requires the search of an entire application, even in those cases when the requirement is technically correct, if it would not constitute a serious burden to search and examine plural inventions. Once the search is conducted as noted above, then the

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examination of the non-elected claims, while perhaps  
constituting some additional work, would not be a "serious  
burden".

Accordingly, applicants respectfully request  
withdrawal of the requirement and examination of all the  
claims on the merits.

Applicants respectfully await the results of a first  
examination on the merits.

Respectfully submitted,

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